

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No.14006 of the Lab School of Washington, D.C., pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraphs 3101.41 and 3101.42 to use the subject property as a private school and child development center for approximately 280 students and a staff of fifty in an R-1-B District at premises 4759 Reservoir Road, N. W. (Square 1372, Lot 818).

HEARING DATE: July 27, 1983

DECISION DATE: July 27, 1983 (Bench Decision)

FINDINGS OF FACT:

1. As a preliminary matter at the public hearing, the Board considered a motion by the opposition to continue the hearing in the application to the public hearing of August 10, 1983, and to consolidate the hearing of the subject application with BZA Application No. 14009 of St. Patrick's Episcopal Church. The motion was based on the assertion that, because of the proximity of the subject site to the St. Patrick's site, the two applications involved many common issues and uniform treatment and consolidation was required.

2. The applicant's counsel opposed the motion on several grounds:

- (A) Nothing in the Rules of Practice and Procedure before the Board, in the special exception provisions of the Zoning Regulations, or in the treatise and case law on the subject requires consolidation;
- (B) There are few common facts or circumstances to justify consolidation; those that do exist do not compel consolidation;
- (C) The applicant has considered the impact of its proposed use on the entire neighborhood, including St. Patrick's;
- (D) Consolidation would unduly prejudice the applicant;
- (E) There is no precedent in the past practice of the Board to require consolidation of cases involving totally separate properties, separate uses, and separate owners; and

(F) Each applicant is entitled to a full and fair hearing on the merits of its own case.

3. The Chairman ruled that each application would be heard and decided on its own and that the application would be heard as scheduled.

4. The subject property is located at the intersection of Whitehaven Parkway, Reservoir Road and MacArthur Boulevard and is known as premises 4759 Reservoir Road N.W. It is zoned R-1-B.

5. The subject site contains approximate 156,369 square feet of land area. The site is irregular in shape and has a sloping topography.

6. The subject site is the former location of the Florence Crittendon Home and School. The site is improved with an existing mansion, classroom building and a carriage house not currently in use.

7. The applicant proposes to establish a child development center and a private school on the subject site. The existing structures on the site will be renovated. There will be no new construction on the site. The applicant proposes a maximum future enrollment of 250 students and a maximum of fifty teachers and staff.

8. By memorandum dated June 29, 1983, the D.C. Department of Human Services indicated that all licensing requirements set forth in the Child Development Facilities Regulation 74-34 and D.C. Law 2-98 could be met, as required by Paragraph 3101.41 of the Zoning Regulations.

9. The location and design of the center will not result in any objectionable traffic conditions or any unsafe conditions for the picking up and dropping off children. The subject site has driveway access from both Whitehaven Parkway and Reservoir Road. The proposed traffic pattern contemplates a one-way route through the site wherein vehicles would enter from Reservoir Road, N.W. and exit onto Whitehaven Street, N.W. All picking up and dropping off of children will be made at the southern end of the circular drive as it fronts the entrance of the classroom building.

10. The applicant proposes to provide forty-four on-site parking spaces, as shown on Exhibit No. 44 of the record, to meet the needs of teachers, staff and visitors to the school. The number of parking spaces provided is in excess of the thirty-seven spaces required for the proposed use under Sub-section 7202.1 of the Zoning Regulations.

11. The hours of operation for the proposed school are as follows: child development center from 9:00 A.M. to 3:30

P.M.; elementary from 9:00 A.M. to 3:30 P.M.; junior high from 8:30 A.M. to 3:30 P.M.; and high school from 8:30 A.M. to 4:00 P.M. The hours of operation for Our Lady of Victory School at 4755 Whitehaven Parkway and St. Patrick's School at 4700 Whitehaven Parkway are both from 9:00 A.M. to 3:00 P.M. The staggered nature of the proposed hours of operation will minimize any traffic congestion that may result from the picking up and dropping off of students.

12. As shown on Exhibit No. 44 of the record, the on-site play and recreation area is so located and designed that there will be no objectionable impact on adjacent or nearby property due to noise, activity, visual or other objectionable conditions. By virtue of the large site, the topography and the careful design and location of the existing buildings, the proposed use will not be objectionable because of noise, activity, visual or other objectionable conditions. The buildings are substantially set-back from the adjacent streets and the play area is located to the rear of the classroom area adjacent to St. Patrick's Day School, another institutional use. The entire area is well screened by mature trees and vegetation. A five foot high wood fence will be provided along the southern property line.

13. The play area is on-site and is located within 300 feet of the rear entrance to the center. This is the only existing child development center in the square.

14. Grades one through twelve meet the requirements of Subparagraph 3101.42(a) as not likely to be objectionable to adjoining and nearby property because of noise, traffic, number of students or other objectionable conditions. The applicant's architectural consultant described the physical layout of the buildings on the property and the existing natural screening. The landscape and site plan on file with the Board indicates that all existing mature trees will remain and that no structural improvements are proposed to the existing buildings.

15. By memorandum dated July 19, 1983, the D.C. Department of Transportation recommended that approval of the application should be conditioned as follows: (a) The applicant should be required to implement a carpool program for the teachers and staff of the school; (b) The applicant should provide the number of parking spaces required by the D.C. zoning regulations for the proposed use; and (c) The number of teachers, staff, and employees should not exceed the numbers projected for 1987 in the BZA application, for as long as the use is in existence.

16. The recommendation made by the Department of Transportation was based on a projection of 310 students and sixty-five teachers and staff. The application now proposes

a maximum of 250 students and fifty teachers and staff, fewer than the 1987 projection referred to by the Department of Transportation. The required number of parking spaces for the proposed use has been reduced from forty-five to thirty-seven. The applicant is providing forty-four on-site parking spaces, seven in excess of the number required by the Zoning Regulations. The applicant has agreed to institute a carpool program for the teachers and staff of the school.

17. The Office of Planning, by memorandum dated July 20, 1983, recommended approval of the application. It was the Office of Planning's opinion that given the spacious accommodations, on-site parking, through-site access, set backs and landscaping, the proposed use will not be objectionable to neighboring objectionable to neighboring properties due to noise, traffic or number of students. The Office of Planning was further of the opinion that the criteria of Paragraphs 3101.41 and 3101.42 have been met. The Office of Planning reported that there was no child development center within 1,000 feet of the subject site but noted the application of St. Patrick's pending before the Board. The Board concurs with the Office of Planning's findings and recommendation.

18. Advisory Neighborhood Commission 3B, by letter dated July 15, 1983, supported the application with two conditions:

- (a) That the projected increased enrollment by 1987 be restricted to 250 students; and
- (b) That the maximum number of parking spaces estimated for full growth be constructed at the outset to ensure adequate off-street parking for faculty, staff and visitors. This number would be forty-four spaces.

Testimony presented at the public hearing indicated a maximum enrollment of 250 students and also the provision of forty-four parking spaces on-site. Accordingly, the Board finds that the concerns of the ANC 3B have been addressed by the applicant.

19. A statement of the representative of the Palisades Citizen Association was filed for the record at the public hearing. The Association "voted unanimously to enthusiastically support the application of the Lab School of Washington." The Association noted the accomplishments of the Lab School in helping learning disabled children achieve their full growth potential and felt that the school was an appropriate use of the site.

20. There were approximately forty letters, of record, in support of the application including letters of support from Councilmembers Polly Shackleton and Hilda Mason. Six

persons testified at the public hearing in favor of the application. The grounds for the support were basically that:

- a. The property has been used in the past as a school and already adjoins a school and fire station. Therefore the proposed school use is consistent with the property's past use.
- b. The Lab School has indicated a willingness to accommodate the improvements in its property and its enrollment to all reasonable requests from residents in the immediate neighborhood.
- c. The School provides a vital and unique educational service for the entire Washington community and the District Government should make every effort to facilitate the school's proper functioning.
- d. The property has ample space to accommodate all of the students and teachers and provides ample parking.
- e. The school will have a positive influence with respect to the surrounding neighborhood.

21. The owners of two adjacent properties appeared at the public hearing in opposition to the application. The grounds for the opposition were basically that:

- a. The past use of the site by the Crittendon Home was limited to forty-two residents. The number of students proposed by the Lab School, in addition to the two other schools in the immediate vicinity of the site, will have an adverse impact on noise and traffic in the area.
- b. The number of students should be reduced and the applicant should request the Board to allow it to increase enrollment at a later date.
- c. The applicant should enter into a "conservation easement" to ensure the protection of existing trees and landscaping.

22. The applicant reduced the maximum enrollment of the school from the 310 students originally proposed to 250 students. In light of the large size of the site and the existing buildings, the applicant did not feel that any reduction in the enrollment below 250 students was required. The school purchased this property for purposes of expansion and needs to be able to plan its programs and policies over a reasonable period of time without being required to go back to the Board for approval. The applicant has filed for

the record a landscape and site plan which clearly shows the existing landscape and that no changes are proposed to this landscape. If and when the applicant proposes to expand above 250 students, it must apply to the Board for permission to do so.

23. The Board concurs with the applicant that it has made every effort to address the concerns of the neighboring property owners. On the basis of the testimony and evidence presented at the public hearing by the applicant, the Board has considered the impact of this school use in light of existing and proposes uses in the neighborhood and feels that the School has met its burden. The Board notes that the applicant will be bound by the landscape and site plan filed in the record of the case, and no conservation easement is required. The Board further finds that the size of the site and the existing buildings can accommodate the projected enrollment of 250 students.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking special exception relief. The granting of the special exception requires that the applicant must demonstrate compliance with Paragraphs 3101.41 and 3101.42 and Sub-section 8207.2 of the Zoning Regulations. The Board is of the opinion the the subject premises given its spacious accommodating facility for on-site parking, through-site access, and landscaping, is capable of meeting the criteria for approval for the special exception sought. The Board does not believe that the use of the site as proposed will be objectionable to neighboring properties due to noise, traffic, or number of students and believes that the school will be consistent with the objectives of Sub-section 8207.2 of the Zoning Regulations. The Board has given "great weight" to the issues and concerns raised by the ANC and concurs with its recommendation.

The Board further concludes that the approval of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Regulations and Map. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

- a. The number of students enrolled in the school shall not exceed 250, no more than twenty-five of which shall be enrolled in the child development center.
- b. Approval shall be limited to the use of the subject premises by the Lab School, Inc.

- c. The location of play areas and fences, traffic circulation patterns, width of driveways and number and location of on-site parking spaces shall be as shown on the plans marked as Exhibit No. 44 of the record.
- d. Landscaping shall be as shown on Exhibit No. 44 of the record, with the addition of a row of evergreen trees to be planted along the southeast lot line, adjacent to the five foot wooden fence, to further screen the tot lot from adjacent residences.
- e. Use of the tot lot for outdoor recreation shall not exceed one hour in the morning and one hour in the afternoon.
- f. The tot lot shall not contain any rotating play equipment unless required by the Department of Human Services.

VOTE: 4-0 (Lindsley Williams, Carrie Thornhill, William F. McIntosh, and Charles R. Norris to grant; Douglas J. Patton not voting, having recused himself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 31 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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